1 2 3 4 5 6	Marshall Meyers (020584) WEISBERG & MEYERS, LLC 5025 North Central Ave., #602 Phoenix, AZ 85012 602 445 9819 866 565 1327 facsimile mmeyers@AttorneysForConsumers.com Attorney for Plaintiff
7	UNITED STATES DISTRICT COURT
8	FOR THE DISTRICT OF ARIZONA
9	Larry McConnell, ) Case No.
10	Plaintiff,  COMPLAINT AND TRIAL BY JURY
11	) <b>DEMAND</b> vs.
12	)
13	Alpha Recovery Corp., )
14	Defendant.
15 16	
17	NATURE OF ACTION
18	1. This is an action brought under the Fair Debt Collection Practices Act
19	("FDCPA"), 15 U.S.C. § 1692 et seq.
20	•
21	JURISDICTION AND VENUE
22	2. This Court has jurisdiction under 15 U.S.C. § 1692k(d) and 28 U.S.C. §
23	1331.
24	3. Venue is proper before this Court pursuant to 28 U.S.C. §1391(b), where
25	the acts and transactions giving rise to Plaintiff's action occurred in this district, (where
<ul><li>26</li><li>27</li></ul>	
28	Plaintiff resides in this district), and/or where Defendant transacts business in this district.
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## **PARTIES**

- 4. Plaintiff, Larry McConnell ("Plaintiff"), is a natural person who at all relevant times resided in the State of Arizona, County of Maricopa, and City of Phoenix.
  - 5. Plaintiff is a "consumer" as defined by 15 U.S.C. § 1692a(3).
- 6. Defendant, Alpha Recovery Corp. ("Defendant") is an entity who at all relevant times was engaged, by use of the mails and telephone, in the business of attempting to collect a "debt" from Plaintiff, as defined by 15 U.S.C. §1692a(5).
  - 7. Defendant is a "debt collector" as defined by 15 U.S.C. § 1692a(6).

## **FACTUAL ALLEGATIONS**

- 8. Plaintiff is a natural person obligated, or allegedly obligated, to pay a debt owed or due, or asserted to be owed or due a creditor other than Defendant.
- 9. Plaintiff's obligation, or alleged obligation, owed or due, or asserted to be owed or due a creditor other than Defendant, arises from a transaction in which the money, property, insurance, or services that are the subject of the transaction were incurred primarily for personal, family, or household purposes. Plaintiff incurred the obligation, or alleged obligation, owed or due, or asserted to be owed or due a creditor other than Defendant.
- 10. Defendant uses instrumentalities of interstate commerce or the mails in a business the principal purpose of which is the collection of any debts, and/or regularly collects or attempts to collect, directly or indirectly, debts owed or due, or asserted to be owed or due another.

11. In connection with collection of an alleged debt, Defendant called Plaintiff's residential telephone on May 31, 2011 at 12:31 P.M., and at such time, left a voicemail message in which Defendant failed to notify Plaintiff that the communication was from a debt collector.

## **COUNT I**

- 12. Plaintiff repeats and re-alleges each and every allegation contained above.
- 13. Defendant violated the FDCPA as detailed above.

WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- a) Adjudging that Defendant violated the FDCPA;
- b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C. §1692k, in the amount of \$1,000.00;
- c) Awarding Plaintiff actual damages, pursuant to 15 U.S.C. §1692k;
- d) Awarding Plaintiff reasonable attorneys' fees ands costs incurred in this action;
- e) Awarding Plaintiff any pre-judgment and post-judgment interest as may be allowed under the law;
- f) Awarding such other and further relief as the Court may deem just and proper.

TRIAL BY JURY Plaintiff is entitled to and hereby demands a trial by jury. Respectfully submitted this 15th day of September, 2011 By: s/ Marshall Meyers Marshall Meyers (020584) WEISBERG & MEYERS, LLC 5025 North Central Ave., #602 Phoenix, AZ 85012 602 445 9819 866 565 1327 facsimile mmeyers@AttorneysForConsumers.com Attorney for Plaintiff